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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
REPLIES TO RESPONSES TO
SUMMARY JUDGMENT MOTIONS**

(First Request)

Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah, MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire & Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective attorneys of record, stipulate and agree as follows:

1. On December 16, 2022, Radar filed its detailed Motion for Summary Judgment Regarding Allstate’s Failure to File an Answer to the Amended Counterclaims [ECF No. 457] (“Radar MSJ No. 1”).

2. On December 16, 2022, the Allstate Parties filed their detailed Motion for Summary Judgment as to both counterclaims alleged by Radar in this matter [ECF No. 458] (“Allstate MSJ”).

3. On December 16, 2022, the Radar Parties filed their Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended Complaint [ECF Nos. 460, 461] (“Radar MSJ No. 2”).¹ It is an extensive, detailed motion covering 50 pages of points and authorities² along with 35 volumes of exhibits [ECF Nos. 462-496] gleaned from the extensive discovery that took place in this matter.

4. On March 9, 2023, the Allstate Parties filed their Response [ECF No. 511] to Radar MSJ No. 1.

5. On March 10, 2023, Radar filed its Response [ECF Nos. 514, 515] to the Allstate MSJ.³ The response contains 30 pages of points and authorities along with 22 volumes of exhibits [ECF Nos. 516-523, 525-537, 539-543].

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¹ ECF No. 460 was publicly-filed and ECF No. 461 was filed under seal.

² Pursuant to the Court’s December 16, 2022 Minute Order [ECF No. 456], the Radar Parties were granted leave to file an oversized brief that did not exceed 50 pages.

³ ECF No. 514 was publicly-filed and ECF No. 515 was filed under seal.

6. On March 14, 2023, the Allstate Parties filed their Response [ECF No. 547] to Radar MSJ No. 2. The response contains 61 pages of points and authorities⁴ along with three volumes of exhibits. In addition, the Allstate Parties filed their 71-page Evidentiary Objections to Questions Posed During Allstate Insurance Company’s 30(b)(6) Depositions [ECF No. 551] (the “Evidentiary Objections”).

7. Presently, the Replies to the Responses to Radar MSJ No. 1, Radar MSJ No. 2, and the Allstate MSJ (collectively, the “Motions”), together with a Response to the Evidentiary Objections, are due as follows:

a. Radar has until March 23, 2023 to file its Reply to the Response to Radar MSJ No. 1;

b. The Allstate Parties have until March 24, 2023 to file their Reply to the Response to the Allstate MSJ; and

c. The Radar Parties have until March 28, 2023 to file their (i) Reply to the Response to Radar MSJ No. 2 and (ii) Response to the Evidentiary Objections.

8. In light of the amount of time that was initially granted to the parties to file their respective Motions after the close of discovery; the amount of time that was granted to the parties to file their respective Responses to the Motions; the number of issues and claimants involved in this case; the sheer volume of discovery that was completed (*see, e.g.*, Order [ECF No. 427] at 2:13-8:6); the critical importance of the Motions; the existing work schedule of counsel for the parties, including, but not limited to, substantial appellate briefing in other matters for the Allstate Parties’ counsel and briefing on summary judgment and a motion to reconsider as well as discovery-related work in other matters for the Radar Parties’ counsel; and in order to ensure that the parties have a full and adequate opportunity to address the Responses to their respective Motions, good cause exists to extend the deadlines for Replies to the Responses to the Motions and for the Response to the Evidentiary Objections as follows:

⁴ Pursuant to the Court’s March 9, 2023 Minute Order [ECF No. 510], the Allstate Parties were granted leave to file an oversized brief that did not exceed 61 pages.

a. Radar Medical shall now have until April 28, 2023 to file its Reply to the Response to Radar MSJ No. 1;

b. The Allstate Parties shall now have until April 28, 2023 to file their Reply to the Response to the Allstate MSJ; and

c. The Radar Parties shall now have until April 28, 2023 to file their (i) Reply to the Response to Radar MSJ No. 2 and (ii) Response to the Evidentiary Objections.

9. This is the first request to extend the deadlines for Replies to Responses to the Motions and for the Response to the Evidentiary Objections. This stipulation is made in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 15th day of March, 2023.

DATED this 15th day of March, 2023.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

DATED: March 23, 2023